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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/703,792	11/02/2000	Shinji Hayakawa	KAT-232	2171

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EXAMINER

SCHULTZ, WILLIAM C

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/703,792

Applicant(s)

HAYAKAWA ET AL.

Examiner

William C. Schultz

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-20 is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 11/2/2000 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Platel et al.

[U.S. Pat. 4,607,363].

Regarding claim 1, Platel et al. disclose all the following subject matter : a packet receiver connected to a network for receiving communication packets sent from a packet transmitter and containing coded speech data via said networky decoding said communication packets, and outputting decoded speech data, said packet receiver comprising:

a packet memory circuit for temporarily storing received packets including the communication packets in a first-in first- out fashion to thereby form a queue; (**fig. 4, part 10**)

Art Unit: 2664

a read start threshold setting circuit for setting, with respect to a length of the queue, a read start threshold at which the received packets should begin to be read out; **(fig. 4, part 12 - counter for counting the number of packets to be read out; col. 8, lines 26-35 – the read start threshold is zero, applicant fails to disclose that the threshold could not be set at zero)**

a read comparing circuit for determining whether or not the length of the queue has reached said read start threshold, and outputting a read command signal in accordance with a result of a decision; and **(fig. 4, part 18 – compares queue length with current size of queue, which results in either a read or a flush; col. 8, lines 57-68)**

a read control circuit for causing, in response to said read command signal, the received packets to be read out of said packet memory circuit. **(fig. 4, part 36; col. 8, lines 62-66 - otherwise the packets are sent to the modem; col. 5, line 2)**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Platel et al. [U.S. Pat. 4,607,363] as applied to claim 1 above, and further in view of Cohen [U.S. Pat. 6,389,032].

Art Unit: 2664

Regarding claim 2, Platel et al. discloses as above but fails to disclose inserting dummy packets, disclosed by applicant as weak noise packets, into the packet memory.

Applicant also discloses on page 30 line 20 that any other sound data can be used, so the content of the dummy packets is not critical to the invention.

Cohen discloses inserting packets of audio data representing silence being inserted into the packet buffer before a new receipt of communication packets. (**col. 6, lines 6-10; col.6, lines 29-33; col. 6, lines 38-42 – one of ordinary skill in the art would know that one cause of jitter is communication packets are not being received; col. 6, lines 58-68**)

It would have been obvious for one of ordinary skill in the art to modify Platel with Cohen so that the effects of jitter would be reduced.

Allowable Subject Matter

Claims 3-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15-20 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The prior art fails to disclose the combination of a read start threshold, a discard start threshold and a discard end threshold.

Conclusion

Art Unit: 2664

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Bustini et al. [U.S. Pat. 4,918,687] Digital packet switching networks.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William C. Schultz whose telephone number is 703-305-2367. The examiner can normally be reached on M-F(7-4)(first bi-week) M-Th(7-4)(second bi-week).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

William Schultz



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